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DATE: April 27, 2006

TO: Commissioner for Patents

ATTN: Examiner: Phuongchau Ba Nguyen  
Art Unit: 2665

FAX NUMBER: (571) 273-8300

FROM: Kenneth K. Vu, Attorney for Applicant  
Registration No. 46,323

Total Number of Pages Sent: 4 (including this transmittal cover sheet)

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ATTORNEY DOCKET NO.: 181ACA2C1

## ENCLOSED ARE:

- Terminal Disclaimer (3 pages)

APPLICANT: Zehavi, et al.

ASSIGNEE: QUALCOMM Incorporated

SERIAL NO.: 09/851,655

FILED: May 9, 2001

FOR: METHOD AND APPARATUS FOR PROVIDING VARIABLE RATE DATA IN A  
COMMUNICATIONS SYSTEM USING NON-ORTHOGONAL OVERFLOW CHANNELS\*\*\*\*\*  
Please contact Peggy Bozym at (858) 651-6991 if all pages do not transmit.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application

No. 09/851,655

Ephraim Zehavi, et al.

Examiner: Phuongchau Ba Nguyen

Filed: May 9, 2001

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For: METHOD AND APPARATUS  
FOR PROVIDING VARIABLE  
RATE DATA IN A  
COMMUNICATIONS SYSTEM  
USING NON-ORTHOGONAL  
OVERFLOW CHANNELS

) Group No. 2665

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION  
UNDER 37 CFR §1.321(C)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner:

I, Kenneth K. Vu, am the attorney of record for this invention. The Assignee,  
QUALCOMM Incorporated, is located at 5775 Morehouse Drive, San Diego, California 92121-  
1714.

## CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

## MAILING

- ☒ deposited with the United States Postal Service  
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Depositor's Name: Peggy Bozvm  
(type or print name)

Date: April 27, 2006Signature: Peggy Bozvm

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Attorney Docket No.: PA181ACA2C1  
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## EXTENT OF DISCLAIMANT'S INTEREST

The extent of the interest in this invention that the disclaiming owns is the whole of this invention.

## RECORDAL OF ASSIGNMENT

The Assignment was recorded on May 8, 1995, Reel 7487 and Frame 0409.

## DISCLAIMER

The terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154-156 and 173 of: United States Patent Nos. 5,777,990 or 6,292,476 is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above identified application shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to United States Patent Nos. 5,777,990 or 6,292,476, this agreement to run with any patent granted on the above identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the above identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154-156 and 173 of United States Patent Nos. 5,777,990 or 6,292,476, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321; has all claims canceled by a reexamination certificate; is reissued in any manner or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer; except for the separation of legal title stated above.

**PATENT**

The Commissioner is hereby authorized to charge payment of the Terminal Disclaimer Fee of \$130.00 under 37 CFR § 1.20(d) and any additional fees which may be required, or credit any overpayment, to Deposit Account No. 17 - 0026. A duplicate of this sheet is enclosed for charge purposes.

Respectfully submitted,

Dated: April 27, 2006

By: 

Kenneth K. Vu, Reg. No. 46,323  
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